

**COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2015 AT 6:00 P.M.**

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Kim McCranie, Deputy City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna

Mayor Pro Tem Scott Bradley

Deputy Mayor Pro Tem Owais Siddiqui

Councilmember Ben St. Clair

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon

Councilmember Rob Thomas

4. PUBLIC COMMENTS

Ray Shahan, resident, expressed his views regarding Ordinance Number 03-10-590, also referenced as PD 03-10-590 and in his opinion it is unethical and immoral.

5. PRESENTATIONS

A. Proclamation for North Texas Poison Center

The Mayor read the Proclamation.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

A. Consider and/or act upon the February 3, 2015 regular meeting minutes.

Staff requested these minutes be pulled from the consent agenda, as an error needs to be corrected. The February 3, 2015 minutes will be re-submitted for approval at the next meeting.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to pull the February 3, 2015 regular meeting minutes from the consent agenda as presented. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

B. Consider and/or act upon the February 17, 2015 regular meeting minutes.

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the February 17, 2015 regular meeting minutes as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014.

Finance Director Linda Truitt introduced John Manning of Pattillo, Brown, & Hill, L.L.P. to present the Comprehensive Annual Financial Report for Fiscal Year ended in September 30, 2014. Ms. Truitt stated that for the 10th consecutive year the City has received the Certificate of Achievement of Excellence for Financial Reporting from the Government Finance Officers Associations and will be submitting the CAFR for the same award again this year. Ms. Truitt presented the following financial highlights from the report:

- Page 4 – General Fund Unassigned Fund Balance
- Page 7 – Net Assets
- Page 9 – Net Position
- Page 22 – General Fund Revenues & Expenditures vs Budget
- Page 61 – Debt Service Fund

Mr. Manning reported on the two reports associated with the CAFR. The unmodified opinion is the highest level of assurance the Auditors can offer on the numbers presented. The other report is in accordance with the Government Auditing Standards. They are both clean opinions.

Council asked about various deficiencies and how City of Murphy compares with other cities. Mr. Manning stated that the City of Murphy ranks highly in regards to the financial complexities Murphy has with issued debt and grant compliance in consideration of the size of Murphy. The CAFR should receive the financial reward again because of the good accounting records presented by staff.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or take action, if any, on City of Murphy side walk repair program.

Public Services Director Bernie Parker presented a 23 page report explaining the 2015 Sidewalk Rehabilitation Program from the field verification and data as it relates to the sidewalk program. He presented a brief history regarding the program. Trip hazards, surface spalling, along with cross fall, and longitudinal dips were all rated on various sidewalks in each of the subdivisions throughout the City of Murphy. Costs for sidewalks are approximately \$85 per square yard. The report includes estimated costs which totals over \$400,000 with approximately \$275,000 allocated for repairs to sidewalks in the Timbers. Bids from three contractors are recommended to determine the best use of the \$50,000 budgeted. It is also recommended to concentrate the funds one subdivision at a time to get the best return on the funds. If a Community Improvement Committee is established, then staff would like to present to the committee the sidewalk issues. ADA compliance (wheelchair ramp access), was not reviewed, only the sidewalk issues.

Council presented questions regarding homeowners wanting to replace sidewalks and how that would work. It was explained that the homeowner would be given the contractor's name and they could work with the contractor directly. With the limited budget, what process would be used to determine what work would be accomplished? Mr. Parker answered that the contractor would be consulted to determine how to get the best bang for the buck. With over 7,000 linear feet needing to be addressed, the highest ranking sidewalks are currently in the Timbers and continued annual funding could take years before other subdivisions are considered. It was also discussed to work on the worst sidewalks throughout the City to offer relief until a time when perhaps a bond issue might be discussed to correct the sidewalk issues throughout town. Ground settling was discussed as one cause for the changes in the sidewalks. Reconstruction is the bigger plan rather than repairs to get the best use of the funding. The ranking for the worst sidewalks should drive the strategy for implementing the program even if the worst ones are all located in Timbers for this year.

COUNCIL ACTION (7.B.):**NO ACTION****C. Discussion of proposed Calloway's Nursery site development.**

Community Development Director Kristen Roberts stated that the presentation had planned to be discussed by Planning and Zoning but their meeting was cancelled due to the ice. Several discussions have occurred regarding the area and the need to remove the trees. Landscaping by Calloway's Nursery will improve the area and they had planned to leave as many trees as possible but because of the location of the trees, there would not be many to remain. Pictures of other areas where Calloway's Nurseries have been built were shown. The current tree ordinance requires tree replacement with no payment in lieu of replanting trees which in this case will require a variance to the tree ordinance. Mr. John Cosby explained Calloway's interest in making the entry into Murphy a priority and added that most retailers do not have such interest. The trees are made up of about one third Hackberries, one third Elms and about a third Eastern Red Cedars. The Elms are the nicest looking of the trees in that area but they are not trees that are generally used as a part of landscaping. Calloway's will be requesting permission to remove all 700 trees at a future meeting.

Council discussed the lack of trees in Murphy. Calloway's would walk away from the site rather than create problems for the citizens of Murphy by removing the trees. The moving of the creek and the boring under the road is the main reason for the need to remove the trees. The low spot on the site is where the main building should be located. He addressed the need for building up the area for the development. Councilmembers mentioned that any retail development would require the backfilling of the property which will kill the trees. What better business to be built but a Nursery that will be selling trees and make the entry to the City of Murphy a well landscaped welcoming site. One option would be for the City to buy the property to leave it as a natural setting. If the ordinance is amended to require payment in lieu of new trees planted was also discussed. One suggestion was to supply trees for other areas of the City of Murphy to offset the removal of the 700 trees.

D. Discussion regarding the 2015 Council Planning Session.

City Manager James Fisher stated the item is on the agenda again to better try to prepare for the event to be held in the middle of March. Mr. Fisher asked Councilmember Thomas to explain his

ideas regarding the Planning Session. Councilmember Thomas explained how he sees the strategy session working. Starting the evening with all the participants together having a meal will allow for people to get to know one another better before the real work begins. Formalizing the strategic intents and then develop the operating model so that by the end of the event, there are lists of initiatives with owners and time lines, then it will be a good strategy session. Staff will be available to attend as much or as little as Council would like for them to attend. Preliminary plans are for everyone to be together on Thursday evening and then on Friday, a couple of hours with staff and a couple of hours without and then on Saturday, some more split time or attend the entire time. Council remarked that the suggested times should work well.

8. CITY MANAGER/STAFF REPORTS

A. North Murphy Road Construction Update

A meeting with TxDOT is scheduled to address completing the work and to address the HOA entrances due to all the sloping issues. The weather continues to be a problem.

B. Timbers Nature Preserve

Timbers Nature Preserve is still moving forward, the restrooms have been moved back further from the first house in the neighborhood and the cedar siding has been replaced with hardiplank siding as it is more fire resistant. The trail that runs along the creek is now on top to better establish the trail.

C. South Maxwell Creek Parallel Trunk Sewer Line

The right-of-way issues are almost resolved. The project is moving forward.

The Collin County Days was a good event, a good opportunity to share a unified voice about local control. Property tax and the possibility of changing caps were also discussed. Margin taxes for businesses will probably be lowered and/or abolished. The biggest concern is if taxes are appropriated differently and continue to be reduced then what methods will be used for future funding of these rearranged appropriations.

9. EXECUTIVE SESSION

The City Council convened into close Executive Session at 7:32 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

Item 9.A. will not be discussed during Executive Session.

A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.

C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the

governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.

10. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 7:45 pm with the Mayor's announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

Item 10.A. was not discussed during Executive Session.

- A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.
- D. Take Action on any Executive Session Items.

COUNCIL ACTION (10.B., 10.C.)

NO ACTION

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:45 pm.

APPROVED BY:




Eric Barna, Mayor

ATTEST:


Susie Quinn, City Secretary